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Executive Director,  
NATURAL RESOURCES

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Director



STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

*File in Emery  
County - DELTA MINE*  
OIL, GAS, AND MINING BOARD

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*ACT-815-020*

June 26, 1978

Mr. Maxwell Bentley  
Central Oil & Mining Corporation  
Kearns Building  
SLC, UT.

Dear Mr. Bentley:

In response to your letter of June 21, 1978, I would like to direct you to sections 40-8-13 (1) and 40-8-4 (5) (6) (16) of the Utah Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1953.

Section 40-8-13 (1) states, "Before any operator shall commence mining operations, or continue mining operations pursuant to Section 40-8-23, the operator shall file with the Division a separate notice of intention for each individual mining operation". This notice of intention must include a reclamation plan and furnish evidence that the operator is financially responsible for damage or liability claims. Section 40-8-4 (b) defines a "mining operation" as an operation where more than 500 tons of material are mined in a period of twelve months AND over two acres of land are excavated or used as a disposal site in a period of twelve consecutive months. Because of this definition, the Division has allowed the initiation of mining before final approval is issued and surety collected as long as the operation stays within the prescribed limits.

The Division received the Notice of Intention to Commence Mining Operations (Form MR-1) on February 1, 1978. Mr. Frandsen informed me today through a telecon that mining had not commenced before that date. It is doubtful that Utah West Mining and Development has disturbed more than two acres of land since then. At this time, the proper maps and reclamation plan have been submitted and a cash bond received. This, in the opinion of the Division, has shown the diligence on the part of the operator.

Under the definitions of the Act, Sections 40-8-4 (5) (16), Utah West Mining and Development is the "operator" of the Delta Mine and Central Oil & Mining is the "owner". Under the Act, the operator is responsible for reclamation and if the operator fails or refuses to carry out the necessary land reclamation as outlined in the approved notice of intention, the Board may, after notice and



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hearing, declare the \$7,440.83 surety forfeited. Utah West Mining and Development will be held responsible for reclamation, and since they are not an agent of Central Oil & Mining Corporation, your company will not be held accountable.

A copy of the public notice and tentative approval letter will be forwarded to you.

Sincerely,

A handwritten signature in cursive script, reading "K. Michael Thompson".

K. MICHAEL THOMPSON  
RECLAMATION HYDROLOGIST